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PREPARED BY: Kelly Rayne

APPROVED BY: Christy L. Kinard
Assistant County Attorney

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE ESTABLISHING A METROPOLITAN GOVERNMENT CHARTER COMMISSION; AUTHORIZING THE COUNTY MAYOR TO APPOINT MEMBERS; ESTABLISHING A VETTING PROCESS; REQUESTING THE CITY COUNCIL ADOPT A SIMILAR RESOLUTION; AMENDING THE FY2010 OPERATING BUDGET; AND APPROPRIATING FUNDS. THIS RESOLUTION AUTHORIZES THE EXPENDITURE OF COUNTY GENERAL FUNDS IN AN AMOUNT NOT TO EXCEED \$50,000. SPONSORED BY CHAIRMAN DEIDRE MALONE.

WHEREAS, The citizens of Shelby County and the City of Memphis are concerned about the direction of their community and are demanding an ethical, effective, efficient, and streamlined government that prepares and positions Memphis and Shelby County to address the current economic crisis and the increasing competition for new jobs and economic expansion; and

WHEREAS, Tennessee Code Annotated Section 7-2-101 et seq. allows for the merger of Shelby County Government with City of Memphis Government if approved by a majority of the voters of Memphis in a referendum and a majority of the voters of Shelby County outside Memphis in a separate referendum held on the same day; and

WHEREAS, Tennessee Code Annotated Section 7-2-101 et seq. provides the vehicle for Memphis and Shelby County to build a new government from the ground up, a new government that is simpler, more understandable, more responsive, and more accountable; and

WHEREAS, Tennessee Code Annotated Section 7-2-101 et seq. provides for the formation of a metropolitan government charter commission to prepare a vision for a new merged government known in the general law as a metropolitan form of government; and

WHEREAS, An efficient new government gives Memphis and Shelby County a fresh start and eliminates bureaucracy, because every dollar spent on duplication and fragmentation is a dollar that can't be spent educating a child, protecting neighborhoods, and strengthening families; and

WHEREAS, A new government can eliminate the cumbersome red tape that results in lost opportunities for new jobs and economic growth; and

WHEREAS, The Memphis and Shelby County Charter Commission will be charged with creating a new government that has the capacity and authority to develop programs to make our community safer, to revitalize our neighborhoods, to fight corruption, and to create jobs that will keep our young adults here; and

WHEREAS, Memphis and Shelby County is being outpaced by peer cities like Nashville, Indianapolis, Jacksonville, and Louisville, whose merged governments can act more entrepreneurially and make decisions more quickly, but most importantly, act with one vision that promotes unity for the future; and

WHEREAS, Memphis and Shelby County have two large governments doing the job of one and doing nothing is not an option in the face of the historic challenges confronting our community; and

WHEREAS, The people of Memphis and Shelby County are anxious to have a voice in how their government is run and they deserve the right to vote on their government's future; and

WHEREAS, Because state law provides that the County Mayor will appoint ten members and the City Mayor will appoint five members to the metropolitan government charter commission, it is the desire of the County Commission that the vetting process for selecting members include, but not be limited to, the receipt of an application by the County and City Mayors for their respective nominees and an interview of the nominees by the respective legislative bodies; and

WHEREAS, It is also the desire of the County Commission that the proposed charter be filed not less than 80 days nor more than 100 days before the November 2, 2010 statewide election and, to ensure that the proposed charter is filed during that time period, when a resolution appointing the County Mayor's nominees is submitted for approval that said resolution set the effective date of the appointments as November 5, 2009 which will require the metropolitan government charter commission to hold its organizational meeting on November 10, 2009 and perform its work between November 11, 2009 and August 12, 2010 in accordance with state law; and

WHEREAS, It is further the desire of the County Commission that the resolution appointing members to the metropolitan government charter commission direct said members to file the proposed charter on August 10, 2010; and

WHEREAS, Tennessee Code Annotated Section 7-2-104 requires that whenever a metropolitan government charter commission is formed, it is the duty of the legislative body of the county to appropriate at least twenty-five thousand dollars (\$25,000.00), but not more than fifty thousand dollars (\$50,000.00), to defray the expenses of the charter commission, which will require an amendment to the county general fund budget; and

WHEREAS, Funds from the County Mayor's contingency account should be transferred to an account that will be utilized for the expenses of the metropolitan charter commission created herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the Memphis and Shelby County Charter Commission is hereby established pursuant to Tennessee Code Annotated, Title 7, Chapter 2, to propose to the voters of the City of Memphis and Shelby County the merger of the governmental and corporate functions of the City of Memphis and Shelby County, and the creation of a new metropolitan government that responds to the needs of the community in its services and vision.

BE IT FURTHER RESOLVED, That the Mayor of Shelby County is hereby authorized to appoint ten (10) members of the metropolitan government charter commission, subject to confirmation by the Board of County Commissioners of Shelby County, to obtain an application from each nominee, and to have each nominee appear before the General Government Committee for an interview.

BE IT FURTHER RESOLVED, That the Mayor of Shelby County is hereby authorized to appoint persons to the metropolitan government charter commission who are broadly representative of Memphis and Shelby County in accordance with state law.

BE IT FURTHER RESOLVED, That the metropolitan government charter commission shall perform its work in the manner established by general state law and the resolution appointing its members.

BE IT FURTHER RESOLVED, That members of the metropolitan government charter commission shall not receive per diem or other compensation for their services, except reimbursement of actual expenses incurred by members in carrying out their duties as members of the metropolitan government charter commission.

BE IT FURTHER RESOLVED, That the FY2010 Operating Budget is hereby amended to transfer \$50,000 from the County Mayor's Contingency Account No. 010-201201-9534 to Account No. 010-200903-6052 Charter Commission and said funds are hereby appropriated.

BE IT FURTHER RESOLVED, That the County Mayor and Director of Administration and Finance be and are hereby authorized to issue their warrant or warrants in an amount not to exceed \$50,000 for purposes contained in this resolution and to take proper credit in their accounting therefore.

BE IT FURTHER RESOLVED, That certified copies of this resolution shall be sent immediately by the Clerk of the County Commission to the Mayor of the City of Memphis and to the Clerk of the City Council of the City of Memphis.

BE IT FURTHER RESOLVED, That this resolution shall take effect upon its approval, and upon approval of a substantially similar resolution by the City Council of the City of Memphis, whichever occurs last, the public welfare requiring it, and said approval by the County Commission shall be conditioned upon the City Council directing use of a vetting process for members nominated by the City Mayor that is substantially similar to that established by the County Commission.

A C Wharton, Jr., County Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED: _____